IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 12085 of 2007(L)

PETITIONER:

E.A.ELIAS, ERATTUPLAMMOOTTIL HOUSE,
THEEPANY, THIRUVALLA.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENTS:

---

1. UNION OF INDIA,
REPRESENTED BY GENERAL MANAGER,
SOUTHERN RAILWAY, CHENNAI.

2. THE DIVISIONAL RAILWAY MANAGER (WORKS),
DIVISIONAL OFFICE, TRIVANDRUM - 14.

BY SRI. JAMES KURIENT – SC FOR RAILWAY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 12085 OF 2007

DATED THIS THE 9th DAY OF APRIL, 2007

JUDGMENT

The petitioner is a resident on the eastern side of the road along the Railway property starting from T.K. Road and leading to Thiruvalla Railway Station and other places. The petitioner alleges that the petitioner had been using the said road for the last 50 years. The petitioner further alleges that under the guise of doubling of track, the road is going to be demolished, though there is sufficient space to have the doubling work done without affecting the road. The petitioner therefore submits that the petitioner may be afforded an opportunity of hearing to put forward his contention before the doubling work is done.

2. I do not think that the petitioner has any such right in him. Admittedly, the property in question belongs to the Railways. It is also not disputed that doubling works are contemplated in the area. Whether the land in question as a whole or in part is necessary for the doubling work is a decision to be taken by the Railways in its absolute discretion. The petitioner cannot claim any right over the road when admittedly the land belongs to the Railways and as such he is not

entitled to any notice or hearing in the matter. I am also not inclined to stall the process of doubling of the railway line to give the petitioner a hearing to which he is not legally entitled to.

In the above circumstances, I am not inclined to entertain this writ petition and accordingly the same is dismissed.

S. SIRI JAGAN, JUDGE

Acd